

CrI.O.P.No.31718 of 2022

T.V.THAMILSELVI, J.

The petitioners who apprehend arrest for the alleged offence under Sections 341, 294(b), 324, 506(2) of IPC and Section 4 of Prohibition of Harassment of Women Act, 2002 in Cr.No.835 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are the arrayed as A1 to A3. The petitioners are brother and nephew of the defacto complainant. The dispute with regard to the enjoyment of pathway between the defacto complainant and the petitioners, in which, the petitioners abused and attacked the defacto complainant and his sister in law. Hence, the law enforcing agency registered a case against the petitioners.

3.The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution. He further submits that the petitioners have been falsely implicated in this case. He would further submits that the first petitioner was aged about 73 years and both the parties are blood relatives. Hence, he prays to grant anticipatory bail to the petitioners.



4.The learned Government Advocate (Crl side) appearing for the respondent submits that the petitioners abused and attacked the defacto complainant and his sister in law. Hence, he opposed to grant anticipatory bail to the petitioners.

5.Mr.P.Raja, learned Intervenor submits that the petitioners unlawfully removed the grill gate and caused interference in the enjoyment of the common pathway, when it was objected by the defacto complainant, they abused and attacked the defacto complainant and his sister in law with stick. Due which, defacto complainant's younger brother became depressed and subsequently passed away. Hence, he vehemently oppose for granting anticipatory bail to the petitioners.

6. Considering the facts that the dispute is purely civil in nature, petitioners and the defacto complainant are close relatives and the first petitioner was aged about 73 years. Hence, this Court is inclined to grant anticipatory bail to the petitioners.



7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned ***Judicial Magistrate Court, Ambattur***, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** each, with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the first petitioner shall report before the respondent police as and when required for interrogation;

(c) the second and third petitioners shall report before the respondent police on every Tuesday and Saturday at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;



(e)the petitioners shall not abscond either during investigation or trial;

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(f)on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

23.12.2022

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To
The Judicial Magistrate Court,
Ambattur.

T.V.THAMILSELVI, J.

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